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Attorneys for Defendants  
Capital One F.S.B. (erroneously sued herein  
as “Capital One Healthcare Finance”) and  
CIT Bank (erroneously sued herein as “CIT  
Group Inc.”)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDGAR LAVERDE,

Plaintiff,

-against-

CAPITAL ONE HEALTHCARE FINANCE, CIT  
GROUP INC.,

Defendants.

No.: 07-Civ-4838 (BSJ) (GWG)

ECF CASE

**Rule 7.1 Statement of Defendant  
Capital One F.S.B. (erroneously sued  
herein as “Capital One Healthcare  
Finance”)**

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, and to enable judges and magistrate judges of this court to evaluate possible disqualification or recusal, the undersigned counsel certifies that defendant Capital One F.S.B. (erroneously sued herein as “Capital One Healthcare Finance”) was dissolved in July, 2007, and that prior to its dissolution it was a wholly owned subsidiary of Capital One Financial Corporation, a publicly traded Delaware corporation.

Dated: New York, NY  
August 31, 2007

Respectfully submitted,

By:           /s/ James M. Bergin          

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